



November 4, 2014

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VIA ECF

United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Attn: Honorable Judge James Orenstein, United States Magistrate Judge

Re: George Abella v. Steve Madden, Ltd et al.
Docket No. : 14-cv-5282 (SJ) (JO)
Our File No. : 13885.00006

Dear Judge Orenstein:

We represent the defendants in the captioned matter. We write to request the Court's assistance with regards to plaintiff's total disregard of a stipulation the parties electronically filed on October 24, 2014 (Docket Entry No. 10) and this Court so-Ordered on October 24, 2014. In direct contravention to our stipulated agreement with plaintiff's counsel, plaintiff has filed an amended complaint renaming Steve Madden Retail, Inc. as a corporate defendant. Further, during our discussions, plaintiff also agreed to dismiss Steve Madden Retail, Inc., with prejudice, which I erroneously failed to include in the stipulation.

Our office contacted plaintiff's counsel last Thursday, October 30, 2014 to request that plaintiff comply with the so-Ordered stipulation and remove Steve Madden Retail Inc. from the action. After nearly three days and several follow up telephone calls and emails, plaintiff finally informed our office that he will not remove Steve Madden Retail, Inc. with prejudice, despite the fact that plaintiff's pleadings contain no allegations supporting that Steve Madden Retail, Inc. was plaintiff's employer, and, our joint correspondence to the Court indicating the same (Docket Entry No. 10).

We respectfully request the Court's guidance with resolving this issue as defendants' deadline to answer or otherwise respond to plaintiff's amended complaint is November 18, 2014. We regret taking up the Court's time with an issue that should have been resolved between the parties.

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We thank the Court for its attention to this matter.

Respectfully Submitted,

Wilson, Elser, Moskowitz, Edelman & Dicker LLP

s/Bindu Krishnasamy

cc: Walker G. Harman, Jr., Esq. (via ECF)
Owen H. Laird, Esq. (via ECF)
Hon. Sterling Johnson, Jr., USDJ (via ECF)